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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,578	03/09/2001	Patrick Hwu	2026-4341	6841

45733 7590 11/21/2005

LEYDIG, VOIT & MAYER, LTD.  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6780

EXAMINER

LI, QIAN JANICE

ART UNIT

PAPER NUMBER

1633

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**OFFICE COMMUNICATION**

The Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to examiner Q. Janice Li, at Group Art Unit 1633.

***Response to Amendment***

The reply filed on 8/25/05 is not fully responsive to the prior Office Action because of the following matter(s): The amendment added another cell type to the composition of claims 1, 40, and 72, drawn to T lymphocytes, thus the invention as now claimed is independent or distinct from the invention originally claimed for the following reasons:

The inventions as originally claimed and the invention as now claimed are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination (T lymphocyte plus an allogeneic cell) as claimed does not require the particulars of the subcombination as claimed because the other component in each instance could lend patentability to the combination. The subcombination has separate utility, for example, each of the T lymphocytes and allogenic cells may be used as a pharmaceutical composition *in vivo* for treating distinct diseases, whereas the

composition as now claimed is used in an *in vitro* process for expanding T lymphocytes. Accordingly, the amended claims 1, 40, 72 and dependent claims would have been restricted if present originally, and current amendments present a shift to the originally claimed invention. Since applicant has received more than one action on merit for the originally claimed invention, the Office generally does not permit a shift. See MPEP § 819 & 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Q. Janice Li** whose telephone number is 571-272-0730. The examiner can normally be reached on 9:30 am - 7 p.m., Monday through Friday, except every other Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dave T. Nguyen** can be reached on 571-272-0731. The fax numbers for the organization where this application or proceeding is assigned are **571-273-8300**.

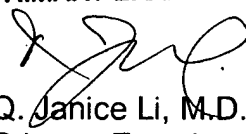
Any inquiry of formal matters can be directed to the patent analyst, **Victor Barlow**, whose telephone number is (571) 272-0506.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is **(866) 217-9197**. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at **800-786-9199**.

**Q. JANICE LI, M.D.  
PRIMARY EXAMINER**



Q. Janice Li, M.D.  
Primary Examiner  
Art Unit 1633

*QJL*  
November 2, 2005